

REMARKS

As a preliminary matter, Applicant wishes to thank Examiner Wang for his courtesy in granting a telephone interview to discuss the pending application. An interview was conducted September 21, 2009 between Examiner Wang and Applicant's attorney Arik Ranson. Proposed claims were discussed, including claims now provided in amended claim 1 and new claim 58 (though "to be run" has been replaced with "that are run"), as well as other proposed claims. Examiner Wang agreed that intervals such as those defined in amended claim 1 and new claim 58 are different from functions in Goodnow.

Accordingly, Applicant has amended independent claims 1, 27, and 35 to more clearly define, among other things, that a number of continuous instructions that are run in program execution order is selected to define an interval, that running the code of the computer program comprises running a plurality of continuous instructions of the code in program execution order, wherein within the plurality of continuous instructions, the code is run over a plurality of the defined intervals of execution, wherein each of the plurality of defined intervals of execution is run over the selected number of continuous instructions. These amended claims further define that the behavior is identified over each of the defined plurality of intervals of execution. Dependent claims were amended for consistency with amended claims 1, 27, and 35. Applicant submits that these amendments find clear support in the application as filed (for example, selecting a number of continuous instructions to define an interval is found at least by page 7, lines 6-9; page 11, lines 6-12; page 30, lines 15-23 (showing an example interval of 100

million instructions); and others), which was recognized by Examiner Wang during the telephone interview. Accordingly, the pending rejection under 35 U.S.C. § 112, second paragraph insofar as it is applied to the claims as amended is respectfully traversed.

Similarly, Applicant provides new claim 58, which defines, among other things, selecting an amount of execution time over which continuous instructions of the code are to be run in program execution order to define an interval of execution (see, e.g., page 7, lines 6-9), and that running the code comprises running a plurality of continuous instructions in program execution order, wherein within the plurality of continuous instructions, the code is run over a plurality of the defined intervals of execution, wherein each of the plurality of defined intervals of execution is run over the selected amount of execution time. The support for these features in the application was also appreciated by Examiner Wang during the telephone interview.

For at least the reason that the intervals defined as in claims 1, 27, 35, and 58, and their use as defined in these claims, are not taught by Goodnow, Applicant respectfully submits that these claims and their respective dependent claims are allowable over the references of record, including Goodnow. The rejection of claims 1-8, 12-17, 26, 37-40, 42-48, 50, and 52 (claims 54-56 have been cancelled, without prejudice) under 35 U.S.C. § 102(b), as well as the 35 U.S.C. § 103(a) rejections of claims 9, 11, 22-25, 27-33, 35, and 36 (claims 10 and 57 has been cancelled, without prejudice) over Goodnow in view of Calder, claim 34 over Goodnow in view of Calder and Clark, and claims 18-21, 41, 49, 51, and 53 over Goodnow in view of Calder, Clark, and Baker, are respectfully traversed insofar as they are applied to the amended claims.

For at least the reasons stated above, Applicant respectfully submits that this case is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the Applicant's Attorney at the below-listed number if an interview would expedite prosecution.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,
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